



477398

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

MEMORANDUM

DATE: MAR 08 1995

SUBJECT: Recommendation for Approval on the Notice of Intent to Delete the Koch Refining Company Site from the National Priorities List

FROM: William Muno, Director
Waste Management Division

TO: Valdas V. Adamkus
Regional Administrator

I am respectfully recommending your authorization for the Notice of Intent to Delete the Koch Refining Company Site in Minnesota from the National Priorities List (NPL). The Minnesota Pollution Control Agency (MPCA) has determined that no remedial action is needed under the Comprehensive Environment Response, Compensation and Liability ACT (CERCLA) at the Koch Refining Company Site at the present time. However, any future clean-up activities at the Site would be addressed under the authorities contained in Underground Storage Tank (UST) regulations of the Resource Conservation Recovery Act (RCRA).

The Notice of Intent to Delete was prepared in accordance with the Comprehensive Environment Response, Compensation and Liability Act, 42 U.S.C. Section 9601 et seq., as Public Law 99-499, the National Contingency Plan, 40 CFR Part 300, and Agency policy. I believe that approval of the Notice of Intent to Delete is a proper exercise of your delegated authority. By signing this document, you will initiate the next step of the NPL deletion process, which is publication of the Federal Register Notice of Intent to Delete the Koch Refining Company Site.

Attached is a copy of the MPCA letter of concurrence with our intent to delete this site from the NPL.

6/8/95 3/8/95

MB 3/8/95

W. Muno
3/8/95

242
3-9-95

Should you have any questions regarding the Site, please feel free to contact Gladys Beard, Associate Remedial Project Manager at (312)-886-7253. .

Attachments

40 CFR PART 300

National Oil and Hazardous

Substances Pollution Contingency Plan;

National Priorities List.

AGENCY: Environmental Protection Agency.

ACTION: Notice of Intent to Delete the Koch Refining Company from the National Priorities List; Request for Comments.

SUMMARY: The United States Environmental Protection Agency (U.S. EPA) Region V announces its intent to delete the Koch Refining Company Site from the National Priorities List (NPL) and requests public comment on this action. The NPL constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which U.S. EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. This action is being taken by U.S. EPA, because it has been determined that all Fund-financed responses under CERCLA have been implemented and U.S. EPA, in consultation with the State of Minnesota, has determined that no further response is appropriate. Moreover, U.S. EPA and the State have determined that remedial activities conducted at the Site to date have been protective of public health, welfare, and the environment.

DATE: Comments concerning the proposed deletion of the Site from the NPL may be submitted on or before (INSERT DATE 30 DAYS FROM PUBLICATION IN THE FEDERAL REGISTER).

ADDRESSES: Comments may be mailed to Gladys Beard (HSRM-6J) Associate Remedial Project Manager, Office of Superfund, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604. Comprehensive information on the site is available at U.S. EPA's Region V office and at the local information repository located at: Minnesota Pollution Agency Public Library, 520 Lafayette RD. St. Paul, MN 55155-4194. Requests for comprehensive copies of documents should be directed formally to the Region V Docket Office. The address and phone number for the Regional Docket Officer is Jan Pfundheller (H-7J), U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-5821.

FOR FURTHER INFORMATION CONTACT:

Gladys Beard (HSRM-6J) Associate Remedial Project Manager, Office of Superfund, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 886-7253 or Cheryl Allen (P-19J), Office of Public Affairs, U.S. EPA, Region V, 77 W. Jackson Blvd., Chicago, IL 60604, (312) 353-6196.

SUPPLEMENTARY INFORMATION:

Table of Contents

- I. Introduction**
- II. NPL Deletion Criteria**
- III. Deletion Procedures**
- IV. Basis for Intended Site Deletion**

I. Introduction

The U.S. Environmental Protection Agency (EPA) Region V announces its intent to delete the Koch refining Company Site from the National Priorities List (NPL), which constitutes Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments on the proposed deletion. The EPA identifies sites that appear to present a significant risk to public health, welfare or the environment, and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to Section 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if the conditions at the site warrant such action.

The U.S. EPA will accept comments on this proposal for thirty (30) days after publication of this notice in the Federal Register.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the history of this site and explains how the site meets the deletion criteria.

Deletion of sites from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Furthermore, deletion from the NPL does not in any way alter U.S. EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist in Agency management.

II. NPL Deletion Criteria

The NCP establishes the criteria the Agency uses to delete Sites from the NPL. In accordance with 40 CFR 300.425(e), sites may be deleted from the NPL where no further response is appropriate. In making this determination, U.S. EPA will consider, in consultation with the State, whether any of the following criteria have been met:

- (i) Responsible parties or other persons have implemented all appropriate response actions required; or
- (ii) All appropriate Fund-financed responses under CERCLA have been implemented, and no further response action by responsible parties is appropriate; or
- (iii) The Remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, remedial measures are not appropriate.

III. Deletion Procedures

Upon determination that at least one of the criteria described in 300.425(e) has been met, U.S. EPA may formally begin deletion procedures once the State has concurred. This Federal Register notice, and a concurrent notice in the local newspaper in the vicinity of the Site, announce the initiation of a 30-day comment period. The public is asked to comment on U.S. EPA's intention to delete the Site from the NPL. All critical documents needed to evaluate U.S. EPA's decision are included in the information repository and the deletion docket.

Upon completion of the public comment period, if necessary, the U.S. EPA

Regional Office will prepare a Responsiveness Summary to evaluate and address comments that were received. The public is welcome to contact the U.S. EPA Region V Office to obtain a copy of this responsiveness summary, if one is prepared. If U.S. EPA then determines the deletion from the NPL is appropriate, final notice of deletion will be published in the Federal Register.

IV. Basis for Intended Site Deletion

The Koch Refining Company is located at the Junction of Highway 52 and 54 in Rosemount, Dakota County, Minnesota. In 1984, the staff from the Minnesota Pollution Control Agency (MPCA) and Minnesota Department of Health (MDH) sampled and analyzed two residential wells downgradient of the Koch Refining Company (Koch) Site. The analysis of the samples indicated the residential wells were contaminated with VOCs. The Koch Refining Company had been supplying bottled water to these two residents as well as a third since the early 1970's in response to analytical results showing high specific conductance, phenols and elevated concentrations of several major ions. Potential sources of contamination at the Site included leaks, spills and discharges from active and inactive wastewater lagoons, process areas, internal pipelines and waste treatment areas.

In October 15, 1984, the Site was placed on the Permanent List Priorities (PLP) and the National Priorities List (NPL), Federal Register 49 page 40320.

In January 1985, a Request for Response Action (RFRA) was issued to Koch requesting Koch to conduct a Remedial Investigation/Feasibility Study (RI/FS) for the Site. The Site investigations, reported in the 1986 and 1988 RI, identified the source of contamination in the residential wells to be from a petroleum release originating from the on-site barge dock pipeline. The RI reports also identified several areas of concern including solid waste management units that the MPCA is currently addressing under the authority contained in the Resource Conservation Recovery Act (RCRA). In addition, the petroleum releases are being addressed by the Underground Storage Tank (UST) regulations of RCRA. However, because the barge dock pipeline release was being addressed under Superfund authority, it was not included in the areas addressed by the UST regulation of RCRA. Therefore, the MPCA pursued the completion of the RI/FS and developed and implemented a Record of Decision (ROD) for the barge dock pipeline release.

The ROD identified three operable units to be addressed as a part of the remediation of the barge dock release: the Product Recovery System for removal and treatment of free floating hydrocarbon and contaminated ground water; the Ground Water Gradient Control System for containment and treatment of contaminated ground water; and the Soil Gas Extraction System for treatment of contaminated soil. Koch has implemented the product system and is working on a pilot study for the Soil Gas Extraction System. The pilot study is part of the Tank 12 release soil gas extraction system currently being addressed under the authority

contained in the UST regulations of RCRA. The Tank 12 release is a petroleum spill from a storage tank number twelve.

The Underground Storage Tank Program, established in Subtitle I of the Resource Conservation Act (RCRA), as amended by the Hazardous and Solid Waste Amendment for 1984 (HSWA) is the regulatory authority with jurisdiction over cleanup of petroleum releases. Therefore, it is recommended that clean-up activities for the barge dock pipeline be implemented under the authorities contained in the UST provisions of RCRA. The MPCA is in agreement with this approach.

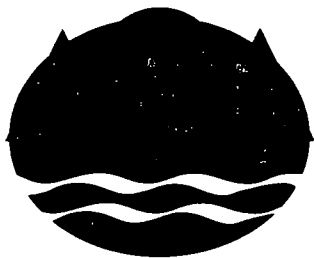
The transfer of Site clean-up activities from CERCLA to RCRA authority is completed once the NPL and PLP delisting has taken place.

EPA, with concurrence from the State of Minnesota, has determined that all appropriate Fund-financed responses under CERCLA at the Koch Company Superfund Site have been completed, and no further CERCLA response is appropriate in order to provide protection of human health and the environment. Therefore, EPA proposes to delete the site from the NPL.

Original Signed by
David A. Ullrich

Date: MAR 09 1995

Valdas V. Adamkus
Regional Administrator
U.S. EPA, Region V



Minnesota Pollution Control Agency

O: ~~WMD~~
CC: RA/RF

February 17, 1995

Mr. Valdas V. Adamkus
Regional Administrator
United States Environmental Protection Agency
Region V
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

RE: U.S. Environmental Protection Agency February 1, 1994, Letter on Deletion of the Koch
Refining/N- ReN Site from the National Priorities List

Dear Mr. Adamkus:

This letter is to inform you that the Minnesota Pollution Control Agency concurs with the U. S. Environmental Protection Agency (EPA) on the deletion of Koch Refining/N-ReN site (Site) from the National Priorities List (NPL).

This is based on the determination that all future response actions at the Site will be conducted under the Resource Conservation and Recovery Act (RCRA) as amended by the Hazardous and Solid Waste Amendment for 1984 (HSWA) and as amended by Superfund Amendments Reauthorization Act (SARA). Therefore, no further response actions under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) at the Site are appropriate.

Once the Site has been delisted from the NPL, the MPCA will proceed with delisting the Site from the PLP. If you should have any questions regarding this letter, please contact Brenda Winkler, the Site project manager, at (612) 296-7813.

Sincerely,

Richard J. Sandberg, Manager
Site Response Section
Ground Water and Solid Waste Division

cc: Gladys Beard, U.S. EPA
Tony Foreman, Koch Refining
Dan Berg, Hazardous Waste/Tanks and Spills
Jocelyn Olson, Attorney General's Office